

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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CARLOS PEREZ,

*Plaintiff,*

**ANSWER TO AMENDED  
COMPLAINT**

-against-

**Jury Trial Demanded**

C.O. LORI HOOPER, SGT. BERNARD STEVENS,  
C.O. JOHN NORMAN, C.O. KYLE BROOKS, and  
RADIOLOGY TECHNICIAN TAMI LAROSE,

9:23-CV-1208

GLS/DJS

*Defendants.*

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Defendants C.O. Lori Hooper, Sgt. Bernard Stevens, C.O. John Norman, and C.O. Kyle Brooks, by their attorney, Letitia James, Attorney General of the State of New York, Matthew J. Gallagher, Assistant Attorney General, of counsel, answer the Amended Complaint, Dkt. No. 16 as follows:

1. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1, 16, 17, 18, 35, 36, 37, 38, 39, 40, 42, 43, 44, and 45 of the Amended Complaint.
2. Admit the allegations contained in paragraphs 2, 3, 4, 7, 10, and 13 of the Amended Complaint.
3. Paragraphs 5, 6, 8, 9, 11, 12, 14, 15, 19, and 20 of the Amended Complaint assert legal conclusions to which no response is required.
4. Repeat and reallege responses to paragraphs 1-20, 1-48, 1-51 and 1-54 in response to paragraphs 21, 49, 52, and 55 of the Amended Complaint, respectively.

5. Deny the allegations contained in paragraphs 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 41, 46, 47, 48, 50, 51, 53, 54, 56, and 57 of the Amended Complaint.

6. The “WHEREFORE” paragraph of the Amended Complaint merely sets forth the relief requested and thus does not require a response. To the extent that a response is required, deny that Plaintiff is entitled to any of the relief requested.

7. Deny any allegation of the Amended Complaint not specifically responded to above.

8. C.O. Lori Hooper, Sgt. Bernard Stevens, C.O. John Norman, and C.O. Kyle Brooks hereby demand a trial by jury.

### **Defenses**

9. The Amended Complaint fails to state a claim upon which relief can be granted.

10. At all relevant times C.O. Lori Hooper, Sgt. Bernard Stevens, C.O. John Norman, and C.O. Kyle Brooks acted under the reasonable belief that their conduct was in accordance with clearly established law. They are, therefore, protected under the doctrine of qualified immunity.

11. The Amended Complaint is barred, in whole or in part, under the Eleventh Amendment.

12. The Amended Complaint is barred, in whole or in part, by the intracorporate conspiracy doctrine.

13. C.O. Lori Hooper, Sgt. Bernard Stevens, C.O. John Norman, and C.O. Kyle Brooks were not personally involved in the alleged constitutional or statutory violations, and they are therefore not liable under 42 U.S.C. § 1983.

14. To the extent applicable, Plaintiff failed to exhaust administrative remedies.

15. To the extent this action is brought for mental or emotional injury, Plaintiff is barred from proceeding without a prior showing of physical injury.

16. Upon information and belief, Plaintiff has been convicted of one or more felonies or other crimes for which there are or may be restitution orders pending. Pursuant to section 807 of the Prison Litigation Reform Act of 1995, any compensatory damages to be awarded Plaintiff herein shall be paid directly to satisfy any such outstanding orders until paid in full. Therefore, Plaintiff is or may not be entitled to any payment herein.

17. Upon information and belief, Plaintiff has been convicted of one or more felonies or other crimes. Pursuant to section 808 of the Prison Reform Act of 1995, prior to payment of any compensatory damages to Plaintiff, reasonable efforts shall be made to notify the victims of the crime for which Plaintiff was convicted and incarcerated. Upon information and belief, Plaintiff must be compelled to cooperate in the notification of his victims prior to payment of any judgment herein, or he should be barred from recovery.

WHEREFORE, C.O. Lori Hooper, Sgt. Bernard Stevens, C.O. John Norman, and C.O. Kyle Brooks respectfully ask that this Court deny the relief requested, dismiss the Amended Complaint, and grant such other relief as the Court shall deem is just and equitable.

Dated: Albany, New York  
January 19, 2024

LETITIA JAMES  
Attorney General of the State of New York  
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C.O. Kyle Brooks*  
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(Via ECF)